

**STATE OF RHODE ISLAND
BEFORE THE RHODE ISLAND ETHICS COMMISSION**

**In re: Neil Hall
Respondent**

Complaint No. NF2018-14

DECISION AND ORDER OF THE ETHICS COMMISSION

This matter was adjudicated before the State of Rhode Island Ethics Commission ("Commission") on May 21, 2019, pursuant to Rhode Island General Laws §§ 36-14-13, 42-35-9 and Commission Regulation 520-RICR-00-00-3.22. Hearing to Determine Violation of the Code of Ethics (1015). The following Commissioners were present for the adjudicative hearing and participated in the deliberations and rendering of this Decision and Order: Ross Cheit, Chair; Arianne Corrente, Secretary; Robert A. Salk; J. Douglas Bennett; and Emili B. Vaziri.

Teresa Giusti prosecuted the case. The Respondent appeared and represented himself *pro se*. Herbert DeSimone, Jr. attended all proceedings as legal counsel for the Commission.

TRAVEL OF THE CASE

On November 8, 2018, Gary V. Petrarca, Commission Investigator, filed a complaint with the Commission. The Complaint alleged that the Respondent violated R.I. Gen. Laws § 36-14-16 by failing to timely file an annual financial disclosure statement for the 2017 calendar year.

Pursuant to R.I. Gen. Laws § 36-14-12(C)(4) and Commission Regulation 520-RICR-00-00-3.11 Finding of Probable Cause (1006), the Commission conducted a probable cause hearing in this matter on April 23, 2019. The hearing had previously been scheduled for April 9, 2019 but was rescheduled when the Respondent left a voice mail message that morning that he was unable to attend and asked that the hearing be rescheduled. The Respondent was provided notice of the April 23, 2019 hearing by regular mail on April 9, 2019. The Respondent did not appear at the April 23 hearing. After considering the complaint, the Investigative Report, and the arguments of counsel, the Commission unanimously adopted the following findings of probable cause: That there is probable cause to believe that the Respondent, Neil Hall, violated R.I. Gen. Laws § 36-14-16 by failing to timely file a 2017 Financial Disclosure Statement with the Rhode Island Ethics Commission.

The Respondent was provided notice of the adjudicative hearing by both certified and regular mail on May 1, 2019. The adjudicative hearing was conducted during the open session of the Ethics Commission meeting held on May 21, 2019. A stenographer was present during the entirety of the proceeding. The Respondent appeared and represented himself *pro se*. The Prosecution offered evidence through the affidavits and exhibits of Michelle Berg, Commission Financial Disclosure Officer, and Gary V. Petrarca, Commission Investigator.

After deliberating in open session, the Commission, by a vote of 4-1, found that the Respondent had committed a knowing and willful violation of R.I. Gen. Laws § 36-14-16 by failing to timely file the 2017 Financial Disclosure Statement and imposed a civil penalty of Two Hundred Fifty (\$250) Dollars.

FINDINGS OF FACT

Based upon the uncontroverted evidence presented by the Prosecution in this matter, the Commission hereby makes the following findings of fact:

1. During 2017, Neil Hall served as Building Official for the Town of Tiverton.
2. On or about February 21, 2018, the Commission received a certified list of appointed and elected officials from the Tiverton Town Clerk which reflected a mailing address for the Respondent of 8 Hill Street, Lakeville, MA 02347.
3. On or about March 20, 2018, a blank 2017 Financial Disclosure Statement form along with instructions for online and paper filing were mailed to the Respondent at his designated address of 8 Hill Street, Lakeville, MA 02347.
4. The Commission did not receive the completed 2017 Financial Disclosure Statement from Respondent by the statutory deadline of April 27, 2018.
5. On or about June 18, 2018, a reminder notice indicating that the Commission had not received his Financial Disclosure Statement was mailed to the Respondent at his designated address of 8 Hill Street, Lakeville, MA 02347.
6. Neither the March 2018 nor the June 2018 mailing was returned to the Commission as undeliverable.
7. The instant complaint, a blank 2017 Financial Disclosure Statement, a Consent to Finding of Violation form, and a Schedule of Fines and Penalties for the Informal Disposition of Qualifying Financial Disclosure Complaints were sent to Respondent as part of the complaint packet at his designated address, 8 Hill Street, Lakeville, MA 02347.
8. The complaint packet was delivered to Respondent's home address on November 26, 2018, and the Commission received the return receipt card bearing the signature of Nicole Hall, Respondent's spouse, on December 6, 2018.
9. On January 15, 2019, the Ethics Commission's Executive Director, Jason Gramitt, received a letter from Respondent along with his completed 2017 Financial Disclosure Statement. In his letter, Respondent stated that this was the first time he had heard about the filing requirement and any fine assessed should be paid by the Town of Tiverton.

10. Investigator Petrarca called Respondent on January 16, 2019, thanking him for his filing but advising that the Complaint still needed to be addressed. Respondent again stated that he would not pay a fine.

11. On May 1, 2019, notice that an Adjudicative Hearing was scheduled for May 21, 2019 at 9:00 a.m. was sent to Respondent via certified and regular mail at his address of 8 Hill Street, Lakeville, MA 02347.

12. Respondent did not timely file his 2017 Financial Disclosure Statement.

CONCLUSIONS OF LAW

Upon consideration of the Findings of Fact set forth herein and the arguments presented at the hearing, the Commission concludes the following as a matter of law:

1. As the appointed Building Official of the Town of Tiverton during calendar year 2017, the Respondent was, at all times relevant hereto, a municipal appointed official subject to the Rhode Island Code of Ethics pursuant to R.I. Gen. Laws § 36-14-4(2).

2. As a municipal appointed official during calendar year 2017, the Respondent was required to file a 2017 Financial Disclosure Statement on or before April 27, 2018, pursuant to R.I. Gen. Laws § 36-14-16(a)(5).

3. By failing to timely file his 2017 Financial Disclosure Statement with the Commission, the Respondent committed a knowing and willful violation of Rhode Island General Laws 36-14-16.

Therefore, based upon the foregoing Findings of Fact and Conclusions of Law, It is hereby:

ORDERED, ADJUDGED AND DECREED

1. That the Respondent committed a knowing and willful violation of R.I. Gen. Laws § 36-14-16 by failing to timely file a 2017 Financial Disclosure Statement with the Rhode Island Ethics Commission; and

2. That the Respondent, pursuant to R.I. Gen. Laws § 36-14-13(d)(3), shall pay a civil penalty of Two Hundred Fifty (\$250) Dollars.

Entered as an Order of the Rhode Island Ethics Commission on this 15th day of July 2019.



Ross Cheit, Chair
Rhode Island Ethics Commission